

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOSEPH MENICHIELLO, individually and  
on behalf of all others similarly situated,

Plaintiff,

vs.

ASCEND FUNDING, LLC, SPRINGBASE  
MEDIA LLC, and DOES 1 through 10,  
inclusive, and each of them,

Defendant.

Civil Case No.: 1:17-cv-08436-PKC

**NOTICE OF VOLUNTARY DISMISSAL AS TO  
DEFENDANT SPRINGBASE MEDIA ONLY**

Pursuant to Rule 41(a)(1)(A)(i), Plaintiff hereby voluntarily dismisses this action against Defendant, Springbase Media, LLC ONLY, with prejudice as to Plaintiff's individual claims and without prejudice as to the claims of any absent putative class members.

Dated: October 5, 2018

**DeNITTIS OSEFCHEN PRINCE, P.C.**

By: 

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*All named defendants  
(being) dismissed from  
the action and no  
Robertson John or  
Jane Doe defendant having  
been served ~~the~~ within  
the time period set  
forth in Rule 4(m), Fed.  
R. Civ. P. > the Clerk is  
directed to close the  
action. ① October 11  
conference is vacated.  
SO ORDERED  
10-9-18*

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/2/18

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Defendant.

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AND ORDER

STIPULATION OF DISMISSAL AS TO  
DEFENDANT ASCEND FUNDING, LLC

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel to the parties in this action that, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff's individual claims in this action shall be dismissed with prejudice as to defendant Ascend Funding, LLC *only*, except that the claims of other proposed class members as against Ascend Funding, LLC shall be dismissed without prejudice. Each party shall bear its own attorneys' fees and costs except as may otherwise be agreed to by the parties.

Dated: New York, New York  
June 29, 2018

DeNITTIS OSEFCHEN PRINCE, P.C.

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Ascend Funding, LLC

SO ORDERED:

  
Hon. Judge P. Kevin Castel, U.S.D.J.

6-29-18